

SOUTH CENTRAL UTAH TELEPHONE ASSOCIATION, INC.
P.O. Box 555
Escalante, Utah 84726

Marlene Dortch, Acting Secretary
Federal Communications Commission
Washington, D.C. 20554

Re: CC Docket No. 94-102
Broadband PCS Station KNLG223
BTA 392 (St. George, Utah)
Sixth Quarterly Report and Conditional Request for Waiver

Dear Ms. Dortch:

This report is filed pursuant to the Commission's *Fourth Report and Order*, in CC Docket No. 94-102, released December 14, 2000. As set forth below, we are also requesting a conditional waiver of Section 20.18(c) of the Commission's Rules insofar as the June 30, 2002 deadline is concerned.

South Central Utah Telephone Association (South Central), a rural area telephone cooperative, is the licensee of the referenced station in the Broadband Personal Communications Service (PCS). South Central serves the St. George, Utah BTA on the PCS F-block spectrum.

In our Fifth Quarterly Report in these proceedings, we detailed our progress, as of March 31, 2002, in achieving compliance with the Commission's requirements for providing access to E-911 calling systems over our PCS facilities. At the time, we indicated that our switch supplier, Nortel Networks, had phased out the dual-platform wireless/wireline switch we were using and that we would have to purchase a new wireless switch. As of the filing of our Fifth Quarterly Report (April 15, 2002), we had been unsuccessful in our efforts to even obtain a price quote from Nortel for the new switch that would have TTY access capability. We further indicated that we had upgraded our dual-platform switch to LWW0007, which is the equivalent software level of MTX 9.0 for the wireless side and NBSS 9.0.6 on our base station controller.

Thereafter, it appeared that there was a great deal of confusion and conflicting opinions within Nortel as to whether TTY compliance could be achieved with the software load MTX 9.0 or whether a software upgrade to MTX 10.0 would be required. If the latter, we would not be able to achieve TTY compliance without the new wireless

switch. Apparently after some debate, Nortel then indicated that TTY compliance could be achieved by June 30, 2002, with the software load MTX 9.0, provided we purchased and deployed the NBSS 10.1.3 upgrade by that date.

In mid-May, we ordered the NBSS 10.1.3 upgrade and the installation work was completed on June 13, 2002. According to Nortel, this would allow us to handle 911 calls from our CDMA mobiles equipped with TTY devices. We therefore concluded that we had successfully met the June 30, 2002 deadline and that it would therefore not be necessary to file a waiver request.

We were aware at that time that other Nortel customers using the same dual-platform switch as ours in other parts of the country had been told by other Nortel personnel that TTY compliance could not be achieved without going to the software load MTX 10.0, which could not be accomplished without purchasing a new wireless switch. In fact, we learned that Nortel had supplied letters to that effect to these other customers to support their waiver request filings.

And so, given the seemingly conflicting information being disseminated by different offices of Nortel, we sent an email message, on June 21, to a senior account executive of Nortel in its West Region sales office for the Rocky Mountain states, at Parker, Colorado, requesting written confirmation of the oral assurance we had received a week earlier, that we were then in compliance with the Commission's requirements for TTY access to E-911 calling systems on our PCS facilities. As of this date, however, we have received no response from Nortel, one way or the other.

Accordingly, we cannot say for absolute certain that we are in compliance with Section 20.18(c) of the Commission's Rules. We will not know for sure until someone with a mobile unit equipped with a TTY device actually attempts to make a call over our PCS facilities. We are attempting to obtain a TTY device to do some testing in this regard. However, we have been unable to do so as of this filing, hence the continuing uncertainty. Out of an abundance of caution, we are therefore requesting a waiver of Rule Section 20.18(c) conditioned upon a firm determination of whether the upgrade installed by Nortel on June 13, 2002 brought us into compliance with the rule, as claimed orally by Nortel, and, if not, until the new wireless switch is operational which is estimated to be by June 30, 2003.

The requested conditional waiver is justified for the following reasons:

1. South Central has made a good faith effort toward compliance. Its switch upgrades required a significant financial effort in order to get to this point. If it were only a matter of upgrading to the NBSS10.1.3, as claimed by Nortel, we have made the expenditures to do that and there is at least some likelihood that we are already in compliance with the June 30 deadline.

2. South Central still has received no quotation from Nortel for the new wireless switch that will be necessary to move to the MTX 10 software. Once we receive the quote and negotiate the final price, delivery and installation terms, we will have to budget the costs at a time when we are already experiencing budget problems due to the current soft market for telecommunications services. In this regard, South Central is extremely concerned what the costs will be to its business and to customer service. Given the likely delays in acquisition, installation and testing of the new switch, we believe that June 30, 2003 is a realistic in-service date.
3. If South Central were required to absorb the cost of this unforeseen new switch purchase too quickly, we would be seriously concerned about our very survival.
4. We are not certain that the PSAPs in our area are presently equipped to receive 911 calls from TTY devices. We are currently exploring this area and should have some determination in this regard prior to the filing of our next quarterly report.
5. The June 30, 2002 deadline was established by the Commission with the expectation that the equipment and software necessary to achieve compliance would be available by December 31, 2001, as stated in paragraph 8 of the Commission's *Fourth Report and Order*, released December 14, 2000, in these proceedings. As shown herein, Nortel was unable to install the equipment and software, which it orally claims brought us into compliance, until June 13, 2002.
6. And lastly, it is important to provide communications services ubiquitously where possible and practicable. However, penalizing a carrier in these circumstances in the name of regulation to benefit a select group of users, would not serve the best public interest in rural or any other part of America, especially in circumstances, such as here, where the inability to achieve compliance (if that, in fact, is the case) is due to factors beyond our control and results from no lack of diligence on our part.

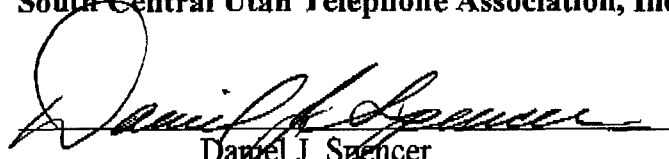
The instant conditional waiver request is specific and focused. It details the unavoidable delays and other problems we have encountered through no fault of our own. It sets out a clear path to compliance (if compliance has not already been achieved) once the necessary equipment and software become available. It is clear, therefore, that we have shown good cause for the waiver requested and have otherwise justified the waiver in accordance with Section 1.925(b)(3) of the Commission's Rules.

The conditional waiver requested is accordingly in the public interest and should be granted.

Respectfully submitted,

South Central Utah Telephone Association, Inc.

By:


Daniel J. Spencer
General Manager, Treasurer & CEO

Dated: July 15, 2002

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